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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,919	09/07/2005	Waro Iwane	Q85402	5121
23373 7590 11/06/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER PHAM, TOAN NGOC	
			ART UNIT	PAPER NUMBER
			2612	
			NOTIFICATION DATE	DELIVERY MODE
			11/06/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SUGHRUE.COM  
PPROCESSING@SUGHRUE.COM

## Office Action Summary

**Application No.**

10/519,919

**Applicant(s)**

IWANE, WARO

**Examiner**

Toan N. Pham

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the limitation "the circumstances" in line 2.

Claim 33 recites the limitation "the results" in line 8.

Claim 33 recites the limitation "the contents" in line 9.

Claim 33 recites the limitation "the objects" in line 10.

Claim 33 recites the limitation "the basis" in line 11.

Claim 33 recites the limitation "the judged" in line 12.

Claim 33 recites the limitation "the basis" in line 14.

Claim 33 recites the limitation "the basis" in line 19.

There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "the whole" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "the operating" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "the time" in line 5.

Claim 41 recites the limitation "the peripheries" in line 5.

Claim 41 recites the limitation "the succeeding time" in line 5.

There is insufficient antecedent basis for this limitation in the claim.

Claim 45 recites the limitation "the circumferences" in line 3.

Claim 45 recites the limitation "the periphery" in lines 3-4.

Claim 45 recites the limitation "the position" in line 4.

Claim 45 recites the limitation "the results" in line 6.

There is insufficient antecedent basis for this limitation in the claim.

Claim 46 recites the limitation "the whole" in line 4.

Claim 46 recites the limitation "the respective" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim 47 recites the limitation "the actual image" in line 9.

Claim 47 recites the limitation "the intended object" in line 5.

There is insufficient antecedent basis for this limitation in the claim.

Claim 50 recites the limitation "the circumstances" in line 3.

Claim 50 recites the limitation "the own vehicle" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

Claim 51 recites the limitation "the track" in line 2.

Claim 51 recites the limitation "the circumstances" in line 3.

Claim 51 recites the limitation "the own vehicle" in line 3.

Claim 51 recites the limitation "the railroad vehicle" in line 4.

Claim 51 recites the limitation "the results" in line 7.

Claim 51 recites the limitation "the contents" in line 8.

There is insufficient antecedent basis for this limitation in the claim.

Claim 52 recites the limitation "the ship body" in line 2.

Claim 52 recites the limitation "the two dimensional" in line 2.

Claim 52 recites the limitation "the track" in line 3.

Claim 52 recites the limitation "the circumstances" in line 4.

Claim 52 recites the limitation "the own vehicle" in line 4.

Claim 52 recites the limitation "the shape" in lines 5-6.

Claim 52 recites the limitation "the shape" in line 6.

Claim 52 recites the limitation "the results" in lines 8-9.

Claim 52 recites the limitation "the contents" in line 9.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen (US 6,560,529).

Regarding claims 51 and 52: Janssen discloses a traffic sign recognition and navigation system comprising an input device (4) for obtaining the circumstances around the traffic facilities to be operated as an image; a database (3) having image data in connection with the traffic facilities stored in advance; a comparison device (7) for comparing the image data obtained by said input device with the image data stored in said database; a recognition device (2) for recognizing and specifying, where the results obtained by comparing the image data coincided, the contents of the data; and an output device (3) for informing an operator of the results recognized and specified by the recognition device in an image (col. 1, lines 43-60; col. 2, lines 23-67). Janssen discloses the road/traffic sign recognition system; thus, marks, signs, the shape of harbors, airport, railroad tracks, railroad marks, railroad signs, railroad guide plates, road marks, road signs and traffic guide plates are obviously road/traffic signs.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Toan N Pham/  
Primary Examiner, Art Unit 2612  
11/02/09